

REMARKS

By this amendment, the specification is amended to correct an error. Support for the amendment is found in Fig. 1, for example. Accordingly, no new matter is added. Claims 1-11 are pending in this application.

In view of the above amendments and following remarks, reconsideration of this application is respectfully requested.

Specification

Applicant has amended the specification to correct the error noted in the Office Action. Therefore, Applicant respectfully requests the withdrawal of this objection.

Rejection under 35 U.S.C. 102

The Office Action rejects claims 1, 2 and 4-7 under 35 U.S.C. 102(b) as being anticipated by Boeckel (U.S. Patent No. 3,303,995). This rejection is respectfully traversed.

The test for anticipation under section 102 is whether each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP §2131. The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); MPEP §2131. The elements must also be arranged as required by the claim. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990).

Applicant's independent claim 1 recites: An axial fan in which an impeller (1) comprises a hub (2), motor-powered so that it rotates about its own central axis (3) in a predetermined direction of rotation (V), and a plurality of blades (5) extending from the hub (2) in directions transversal to the axis (3); the hub (2) having a cup shape and being formed by a bottom wall (6) and a ring-shaped side wall (7); the bottom wall (6) having a plurality of long ribs (20) arranged in a radial direction and extending in height towards the hub (2) cavity, each of the ribs (20) abutting on an internal face of the ring-shaped side wall (7) and delimiting, together with said

ring-shaped side wall (7), a corner area of the bottom wall (6) positioned in front of the rib (20) with reference to the direction of rotation (V); the fan being characterised in that each corner area has a through-hole (9) for discharging any debris, in particular water, sand, soil or sludge, from the hub (2) cavity to the outside of the hub (2).

Boeckel is directed to a fan driven by an electrical motor. However, Boeckel fails to disclose a plurality of long ribs. Indeed, as described on column 2 lines 39 - 40 and clearly shown in the drawings, Boeckel discloses a bottom wall (13) having a plurality of straight centrifugal impeller **vanes** (28) arranged in a radial direction, which operate to draw air from the downstream side of the fan assembly through the interior of the hub chamber. A vane is different from a rib, both in appearance and in function. In particular, the word "*vane*" refers to a thin flat or curved object that is rotated about an axis by a flow of fluid or that rotates to *cause* a fluid to flow. In contrast, a "*rib*" is a stiffening element to strengthen the bottom wall of the hub. Boeckel does not provide any stiffening element, but it discloses only a plurality of vans which are not adapted to strengthen the bottom wall of the hub. Therefore, Boeckel does not disclose a rib.

Further, there is no disclosure or suggestion regarding each corner area having a through-hole. In particular, the corner area of the bottom wall (6) (presenting the respective through-hole) is positioned in front of the rib (20) with reference to the direction of rotation. In other words, each rib (20) defines a relative corner area positioned in front of a lateral surface of the same rib which faces the direction of rotation. In this situation the device of the present invention presents a number of through-hole (9) equal to the number of ribs (20).

By contrast, the through-holes shown by Boeckel are not placed on each corner area defined by the ribs. Please note that each corner areas provided with a relative through-hole is positioned between two corner areas unsupplied with holes. Therefore, Boeckel does place the through-holes on each corner areas. Accordingly, Boeckel's through-holes do not provide the functional benefits of the Applicant's through holes.

It is therefore clear that, Boeckel does not recite, disclose or suggest all the features of Applicant's independent claim 1. Claims 2 and 4-7 depend from claim 1. Thus, for at least the above reasons, withdrawal of the above rejection is respectfully requested.

Rejection under 35 U.S.C. 103

The Office Action rejects claims 3 and 8-11 under 35 U.S.C. 103(a) as being obvious over Boeckel and FR 2,815,676 (Gassman). This rejection is respectfully traversed.

To establish a *prima facie* case of obviousness, the Examiner must establish: (1) some suggestion or motivation to modify the references exists; (2) a reasonable expectation of success; and (3) the prior art references teach or suggest all of the claim features. *Amgen, Inc. v. Chugai Pharm. Co.*, 18 USPQ2d 1016, 1023 (Fed. Cir. 1991); *In re Fine*, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 USPQ 494, 496 (CCPA 1970).

Gassman is directed to a radiator fan with air passages in the central hub of the fan, to allow air flow through the hub to cool the motor driving the fan (see title). Moreover, Gassman's holes are clearly not located at the "corner area" (See Fig. 5 of Gassman), and therefore does not provide the debris removing capabilities lacking in Boeckel, as discussed above. Thus, Gassman does not supply the subject matter lacking in Boeckel. In fact, Applicant respectfully submits that Gassman is just another variation of Boeckel, in that air passages are accommodated to cool the motor. There is no discussion or suggestion in either of the references regarding the Applicant's claimed subject matter and therefore, Applicant respectfully submits that Boeckel and Gassman, individually or in combination, do not disclose or suggest all the features recited in Applicant's independent claim 1. As lacking such features or teachings, Boeckel and Gassman do not render obvious Applicant's claimed subject matter.

Claims 3 and 8-11 depend from claim 1. Thus, for at least the above reasons, Applicant respectfully requests the withdrawal of this rejection.

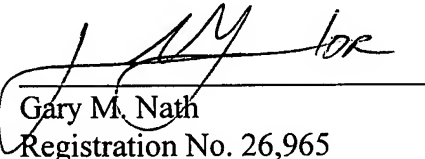
CONCLUSION

In light of the foregoing, Applicant submits that the application is in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicant respectfully requests that the Examiner call the undersigned.

Respectfully submitted,
THE NATH LAW GROUP

April 16, 2008

THE NATH LAW GROUP
112 South West Street
Alexandria, VA 22314-2891
Tel: 703-548-6284
Fax: 703-683-8396



Gary M. Nath
Registration No. 26,965
Jerald L. Meyer
Registration No. 41,194
Jonathan A. Kidney
Registration No. 46,195
Customer No. 20529